REMARKS

Claims 1-22 are currently pending. Claims 1-22 have been amended for clarification purposes. The support for the amendment of claims 1-22 is found in Figure 1a and elsewhere. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1, 15, and 22 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Patent Office asserted, on page 3, lines 1-4, of the Office Action dated June 29, 2007, as follows:

> in response to a situation in which the first grouping identifier is not suitable for the formed data item, obtaining a second grouping identifier and associating the formed data item to the second grouping identifier, the second grouping identifier being associable to at least one other data item for grouping said data items.

The subject matter of said limitation is supported in figure 1a and in the corresponding text portions of the description (page 6, line 15 – page 7, line 6). As in the response to the previous Office Action, support for this subject matter is based on figure 1a.

Since the claims have been amended and no longer recite "a second grouping identifier," it is respectfully submitted that the rejection under 35 U.S.C. 112, first paragraph, is moot.

The Patent Office rejected claims 1-22 under 35 U.S.C. 102(b) as being anticipated by Celik, U.S. Published Patent Application No. 2004/0236792.

For a claim to be anticipated, each and every non-inherent claim limitation must be disclosed in a single reference. MPEP 2131.

Since Celik, U.S. Published Patent Application No. 2004/0236792, was not published until November 25, 2004, how can it be cited as a 35 U.S.C. 102(b) reference when the present application was filed on August 20, 2003?

There are three currently pending independent claims: claim 1, claim 15, and claim 22. The claimed invention makes it possible for a user of an electronic device to form tailored grouping of data items.

Claim 1 recites as follows:

A method comprising: forming a data item for the first time in a first electronic device, in response to said forming, providing to a user of the first electronic device a possibility to associate an existing grouping identifier with the formed data item; **in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item, in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item, obtaining a new grouping identifier and associating the formed data item with the new grouping identifier,** selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier, and synchronizing said data items between said first electronic device and a second electronic device on the basis of said selected grouping identifier, said devices being capable of communication with each other.

Claim 15 recites as follows:

An electronic device comprising: a memory for storing a data item for a first time, **associating means for providing to a user of an electronic device a possibility to select an existing grouping identifier for the stored data item, for associating the stored data item with said existing grouping identifier in response to a situation in which the user selects said existing grouping identifier for the formed data item, and for obtaining a new grouping identifier and associating the stored data item with the new grouping identifier in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item,** said existing grouping identifier being associable with at least one other data item stored into the memory of the electronic device, selecting means for selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier for synchronization, and synchronizing means for synchronizing said data items between the electronic device and at least one another electronic device on the basis of the selected grouping identifier, said electronic devices being capable of communication connection with each other.

Claim 22 recites as follows:

A computer readable medium encoded with a computer program comprising: computer program means for causing a first electronic device to store a data item for a first time into a memory of the first electronic device, **computer program means for causing the first electronic device to provide to a user of the first electronic device a possibility to**

> select an existing grouping identifier for the stored data item,
> computer program means for causing the first electronic device to
> associate the stored data item with said existing grouping identifier in
> response to a situation in which the user selects said existing grouping
> identifier for the formed data item, and to obtain a new grouping
> identifier and to associate the stored data item with the new grouping
> identifier in response to a situation in which the user does not want to
> use said existing grouping identifier for the formed data item, said
> existing group identifier being associable with at least one other data item
> stored into the memory of the first electronic device, computer program
> means for causing the first electronic device to select one of the
> following: said existing grouping identifier and the new grouping
> identifier, to be a selected grouping identifier for synchronization, and
> computer program means for causing the first electronic device to
> synchronize said data items between said first electronic device and at
> least one another electronic device on the basis of said at least one
> selected grouping identifier, said electronic devices being capable of
> communication connection with each other.

Celik, U.S. Published Patent Application No. 2004/01236792, has a filing dated of June 29, 2004, which is later than the filing date of Applicant's current patent application, and so should not be considered a proper prior art reference.

Paragraphs 0065-0070 of Celik, U.S. Published Patent Application No. 2004/01236792, relied on by the Patent Office (see page 4, line 8, of the Office Action dated June 29, 2007) is matter added to the original disclosure and has an effective date no earlier than June 29, 2004 and so **cannot be prior art subject matter**. The front page of the Celik's patent application indicates the U.S. Published Patent Application No. 2004/01236792 is a continuation-in-part of U.S. patent application serial no. 10/657,757, which is a continuation of U.S. patent application serial no. 09/223,129, now U.S. Patent No. 6,374,259. The subject matter of paragraphs 0065-0070 is clearly not available to the Patent Office as prior art, even if Celik were a proper prior art reference (it is not admitted that Celik is a proper prior art reference), because the disclosure of paragraphs 0065-0070 is missing in U.S. Patent No. 6,374,259, which has the same disclosed subject matter as both serial nos. 10/657,757 and 09/223,129.

Claim 1 recites, in pertinent part as follows:

> in response to a situation in which the user associates said existing
> grouping identifier for the formed data item, associating the formed
> data item with said existing grouping identifier, said existing

> **grouping identifier being associable with at least one other data item, in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item, obtaining a new grouping identifier and associating the formed data item with the new grouping identifier**

Claims 15 and 22 recite similar subject matter to the above portion of claim 1.

The Patent Office asserted that paragraphs 0041-0043 and 0064-0070, provide teachings for this subject matter (see page 4, lines 2-8, of the Office Action dated June 29 2007).

As noted above, paragraphs 0065-0070 of Celik, U.S. Published Patent Application No. 2004/01236792 are not available as prior art. Paragraphs 0041-0043 and 0064 of Celik, U.S. Published Patent Application No. 2004/01236792 are reproduced immediately below:

> [0041] After the user selects a registration type, in step 204, the system asks the user to input contact data. The contact data includes, for example, the user's name, telephone numbers, facsimile numbers, pager number, home address, business address, employer, title, E-mail address, and any other information the user wishes to make available to other users of the contact information management system. Once the contact information is entered, then in. step 206 the system attempts to determine whether the user has previously registered with the system. In one embodiment, the system makes this determination by scanning the database for names matching that input by the user, and if any matching names are found, the system compares the e-mail address of the user with the matching name with that input by the user to determine if a duplicate entry has been made. If the system determines that a duplicate entry has been made, then the registration process 200 terminates and the system performs a user verification process.

> [0042] The user verification process allows a prior-registered user who has forgotten his/her password to verify his/her identity and change his/her password. In one embodiment, the user is requested to enter either their mother's maiden name or the last four digits of their social security number to verify their identity. Once their identity has been verified, the user is allowed to change their password. The user verification process allows users who have forgotten their passwords to access the system without creating unwanted and memory consuming duplicate entries.

> [0043] If in step 206 a duplicate entry is not found, then in step 208, the user is asked to establish a password, selected by the user, by entering the password twice. In step 210, the system determines whether the user entered the same password twice. If the outcome of step 210 is "NO",

then in step 212, a warning message is provided to the user and the process then returns to step 208. If the outcome of step 210 is "YES", then the password entered by the user is assigned to the user.

[0064] In step 536 of process 500, contact information for the user corresponding to the identification number selected in step 532 is downloaded to the second computer wherein it is stored in the PIM of the second computer. Next, in step 538, the process returns to step 532 wherein a next identification number in the synchronizer list is selected. Process 500 continues with steps 532 to 538 until contact information for all identification numbers in the synchronizer list has been downloaded to the second computer. In one embodiment of the present invention, a copy of all unique numbers in the synchronizer may also be stored in the remote database and be accessible by User 2 through an "Account Login" screen of the remote computer. This allows User 2 to access the remote computer and remote database from a computer other than the second computer to obtain contact information.

What is the "grouping identifier" in these passages of Celik? What is the data item in Celik? Paragraphs 0041-0043 and 0064 of Celik disclose a registration process by a user and does not appear to relate to a grouping identifier. Furthermore, the claims recite a situation in which an existing grouping identifier is to be used and a situation in which a new grouping identifier is to be obtained.

Furthermore, claim 1 recites "in response to said forming, providing to a user of the first electronic device a possibility to associate an existing grouping identifier with the formed data item." Celik does not teach this subject matter.

The solution disclosed by Celik does not enable <u>a user</u> of an electronic device to form tailored grouping of data items. Therefore, the solution recited in the proposed amended independent claims is new over disclosure of Celik, U.S. Published Patent Application No. 2004/01236792.

Thus, claims 1-22 are not anticipated by Celik, U.S. Published Patent Application No. 2004/01236792.

The Patent Office rejected claims 1-8, 12-20, and 22 under 35 U.S.C. 103(a) as being unpatentable over Alam, U.S. Patent No. 6,324,544, in view of Champagne, U.S. Published Patent Application No. 2005/0086199.

The independent claims of the present application recite the following features i) a formed

11

data item is associated with a grouping identifier; ii) the grouping identifier is associable with at least one other data item for grouping the data items; iii) at least one grouping identifier is selected, and iv) data items between a first electronic device and a second electronic device are synchronized on the basis of the at least one selected group identifier.

Claim 1 recites, in pertinent part as follows:

> **in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item to said existing grouping identifier, said existing grouping identifier being associable with at least one other data item, in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item, obtaining a new grouping identifier and associating the formed data item to the new grouping identifier**

Claims 15 and 22 recite similar subject matter to the above portion of claim 1.

Furthermore, claim 1 recites "in response to said forming, providing to a user of the first electronic device a possibility to associate an existing grouping identifier with the formed data item."

The claimed subject matter of the independent claims makes possible that <u>a user</u> of an electronic device can form tailored grouping of data items. Neither Alam nor Champagne teaches the above-recited subject matter.

Alam (US 6324544) discloses a solution in which data can be synchronized between a first computing device and a second computing device in such a way that undesired duplicate data can be avoided, e.g., in a situation in which a file is renamed on the first (or second) computing device. This is based on determining whether a file (or like) already exists in a computing device under a different name after adding said file into said computing device and deleting the file with the different name if it existed.

Champagne (US 2005/0086199) discloses a solution for transferring records between databases that may have different organizations of data in records of databases. The organization of data in records is expressed with a quantity expressing the number of data fields in a record and with information characterizing the data fields. A data field is characterized with "category" information that defines a type of information the field is meant to contain (e.g. a name of a person, an address, etc) and with "property" information that defines a format of data contained

by the field (e.g. number of bits, integer, text, etc). In the solution disclosed by Champagne, a field map is established by correlating a plurality of data fields of a first database to a plurality of data fields of a second database using the above-mentioned information. Data synchronization between the first and the second database is performed using the field map.

The passages of Champagne cited by the Patent Office on pages 8-9 of the Office Action dated June 29 2007 are paragraphs 0036 and 0011.

Champagne discloses in paragraph 0036 as follows:

> [0036] The category of a field defines the type of information the field is designed or meant to contain. Databases are generally designed to store data for a particular application, for example, airline reservations, medical records, etc. In the case of personal information manager (PIM) applications, several types of databases are typically used, where the type of a database corresponds to the type of data stored in the database: appointments, "to do" lists, address books, expense records, general notes records, and e-mails. For these types of databases, a field identification protocol preferably provides a comprehensive list of field categories such that the fields of most, if not all, of commercially available PIM databases can be categorized according to the categories in the field identification protocol. (The same can also be done for other types of databases.) For example, in the case of an address book type database, the categories may include: name, last name, first name, middle initial, address, street name, city, state, home telephone number, business telephone number, etc. Then, for example, the record structure of remote database 32 may include a field that is of the category "name". The record structure of host database 12 may include equivalent fields of the categories "last name," "first name," and "middle initial," but not necessarily a field of the category "name". In other embodiments, the field identification protocol provides a list of field categories for a selected group of databases or for those databases designed to conform to the protocol.

Champagne discloses in paragraph 0011 as follows:

> [0011] In a third aspect, in order to transmit data between two databases, information identifying the record structure of one of the two databases is transmitted to a computer program. This transmitted information identifies both the categories and the properties of a plurality of fields of the record structure of one of the two databases. Data stored in a plurality of fields of a plurality of the records of the first database is then transmitted from one of the two databases to the other one of the two databases. The transmitted data is then processed using the identifying information.

The categories of Champagne, at least from paragraphs 0011 and 0036, appear to be static in number. Champagne, at least in these passages, does not disclose obtaining a new category. The currently pending claims recite that a new grouping identifier may be obtained. That new grouping identifiers can be obtained/ created in conjunction with storing data items opens a door for a tailored grouping of data items that, according to Applicant's understanding, is not disclosed or made obvious by the prior art of record.

Therefore, the disclosures of Alam and Champagne do not separately or as a combination lead a person skilled in the art to a solution that enables a user of an electronic device to form tailored grouping of data items and the solution recited in the proposed amended is not taught or made obvious by Alam and Champagne.

Thus, claims 1-8, 12-20, and 22 are allowable over the combination of Alam and Champagne.

The Patent Office rejected claims 9-11 and 21 under 35 U.S.C. 103(a) as being unpatentable over Alam in view of Champagne, and further in view of Hunkins, U.S. Patent No. 6,141,663.

Hunkins does not cure the above noted deficiencies of Alam and Champagne.

Claim 9 recites "a method according to claim 1, wherein a user of the first electronic device selects the selected grouping identifier for the synchronization manually."

Claim 10 recites "a method according to claim 1, wherein the first electronic device selects the selected grouping identifier for the synchronization automatically."

Claim 11 recites "a method according to claim 1, wherein the first electronic device performs the synchronization periodically."

Claim 21 recites "a device according to claim 15, wherein said selecting means are further arranged to select the selected grouping identifier for the synchronization on the basis of input of a user of the electronic device."

The Patent Office asserted that column 2, lines 49-53, column 4, lines 12-16, and column 8, lines 6-18, of Hunkins to provide teachings that disclose the subject matter of claims 9-11 and 21.

Hunkins, column 2, lines 49-53, recites as follows:

14

> Manual Update. Each of the databases containing redundant data can be viewed as islands of automation. Information that is common to all can be updated by manually entering the information into each of the separate databases. This is an extremely common method. The greatest disadvantage is that the amount of work necessary for one change is multiplied for each database containing the redundant data to be updated. Consequently, a large human error factor is introduced and it is difficult if not impossible to have all of the redundant data perfectly synchronized.

Hunkins, column 4, lines 12-16, recites as follows: "It is an object of the present invention to allow redundant data to be updated automatically, without human intervention, in order to provide and preserve data integrity and synchronization."

Hunkins, column 8, lines 6-18, recites as follows:

> When the scheduled time is reached, the preferred embodiment begins processing each Change Object one by one. Each Change Object is asked for its database references. With this information, all available Format files, like those listed in 1c are scanned to see if the changed data is also appearing in an outside data file. If it is, the external data file is located with the link file as shown 1e and the Format file is used to surgically update the external data file. Since the complete format is now known, this is a manageable problem. When the project file is completed and all Change Objects have been executed, all external data files are synchronized to the common database.

As none of these cited passages of Hunkins discloses selecting the selected grouping identifier for synchronization manually, periodic synchronization, or selecting the selected grouping identifier for the synchronization on the basis of input of a user of the electronic device, claims 9-11 and 21 are allowable over Alam in view of Champagne and further in view of Hunkins.

Thus, claims 9-11 and 21 are allowable.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 102(b) based on Celik or under 35 U.S.C. 103(a) based on Alam in view of Champagne or Alam in view of Champagne and further in view of Hunkins, and to allow all of the pending claims 1-22 as now presented for examination. An early notification of the allowability of claims 1-22 is earnestly solicited.

Serial No.: 10/645,687
Art Unit: 2165

Respectfully submitted:

Walter J. Malinowski   _September 13, 2007_
Walter J. Malinowski   Date

Reg. No.: 43,423

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 19

Facsimile: (203) 944-0245

email: wmalinowski@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

September 13, 2007   _J Droniak_
Date   Name of Person Making Deposit